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Compromising Security

Attorney General Seeks Changes in FOI Act

Efforts are being mounted by the Reagan Administration and on Capitol Hill to tighten up the provisions of the Freedom of Information Act (FOIA), a law designed to provide "open government" by making government information and files available to anyone.

Since early May Atty. Gen. William French Smith has been soliciting proposals from federal agencies for reform of the law, which was passed in 1966 and broadened in 1974. As a first step, Smith revoked 1977 guidelines implemented by the Carter Administration that agencies release requested information unless the disclosure would be "demonstrably harmful" to the government.

Liberals like the FOIA because it has produced revelations about the FBI's Cointelpro operation, alleged FBI harassment of the Socialist Workers party and Martin Luther King, and CIA attempts to assassinate foreign leaders.

Some conservative groups have also used the FOIA to advantage. Reed Irvine's Accuracy in Media received government documents under the law that cleared the FBI of charges that it had tried to smear actress Jean Seberg, a supporter of the Black Panthers, in a Cointelpro operation. M. Stanton Evans, director of the National Journalism Center, has used the FOIA in an attempt to get out of the Commerce Department the names of those firms doing business with the Soviet Union. And HUMAN EVENTS used the FOIA law to acquire a list of federal ACTION grants that went to left-wing political groups.

Nevertheless, there is evidence that the FOIA has been abused and exploited, and that the current exemptions from release of certain information are not enough to prevent damage to our ability to collect intelligence on criminals and subversives.

The CIA, for example, has been especially hard hit. The former deputy director of the agency, Frank Carlucci, who is now deputy secretary of defense, testified before the House Select Intelligence Committee in 1979 that the agency had lost valuable intelligence because of the FOIA.

"A foreign intelligence source from a Communist country broke off a productive association with us specifically because of fear of the consequences of disclosure under the Freedom of Information Act."

with foreign intelligence sources. Carlucci said that the CIA was not flatly stated as long as the CIA was not in violation of the CIA Reform Act."

Carlucci revealed approximately four from CIA defectors.

Carlucci's objective is to dismantle the intelligence-gathering agency. Moreover, Carlucci noted that "under the terms of the law, if the head of the KGB were to write us directly, we would have to respond in 10 days."

(Fulfilling these requests costs money, of course, and most of it is at public expense. CIA Director William Casey revealed that the agency recently spent \$300,000 to comply with just one FOIA request from Agee.)

Two other agencies hard hit by the FOIA are the FBI and the Drug Enforcement Agency (DEA). A 1978 study by the internal security panel of the Senate Subcommittee on Criminals Laws and Procedures found that "a heavy volume" of requests made to those agencies "come from the criminal community and members of extremist organizations."

The study noted that "Mr. Bensinger of DEA told the subcommittee that 40 per cent of the total number of requests received by his agency came from convicted felons, many of them serving time in prison. The DEA, he said, had been inundated with form letter FOIA/Privacy Act requests from prisoners and organized dissident groups in prison—in each case seeking to discover what DEA may know about their activities."

Herbert Romerstein, a professional staff member of the House Select Intelligence Committee, noted at a 1979 hearing that a convict by the name of Gary Bowdach had testified that he filed FOIA requests with almost 10 agencies, including the FBI and DEA, for the purpose of identifying informants so that they could be killed.

Romerstein also noted that Bowdach further testified that on behalf of another criminal, "he made an FOIA request to the DEA which supplied five pounds of documents, and he claimed that careful examination identified a DEA informant. . . . And Bowdach then said that he believed the informant was later murdered."

As a result, officials of the DEA and the FBI contend that the FOIA has had a chilling effect on sources of information. Thomas S. Bresson, former acting chief of the FBI's FOIA Branch, testified that the bureau has found "numerous examples" of sources "who were telling us in counterintelligence investigations [of sub-